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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/647,978	10/06/2000	Jing Min	5796-01-MJA	7511	
28523	7590	04/28/2004	EXAMINER		
PFIZER INC.				CARLSON, KAREN C	
PATENT DEPARTMENT, MS8260-1611				ART UNIT	
EASTERN POINT ROAD				PAPER NUMBER	
GROTON, CT 06340				1653	
DATE MAILED: 04/28/2004					

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/647,978	MIN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Karen Cochrane Carlson, Ph.D.	1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### **Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on Feb. 11, 2004.

2a)  This action is **FINAL**.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-11 and 13-33 is/are pending in the application.  
4a) Of the above claim(s) 1-11 and 13-20 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 21-33 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_\_

This Office Action is in response to the paper filed February 11, 2004.

Claims 1-11 and 13-33 are currently pending. Claim 1-11 and 13-20 have been withdrawn from further consideration by the Examiner because these claims are drawn to non-elected inventions. Claims 21-33 are currently under examination.

Priority is set to April 19, 1998.

#### **Withdrawal of Objections and Rejections**

The objection to the disclosure for lacking an abstract is withdrawn.

The rejection of the under 35 U.S.C. 112, first paragraph, for lacking written description is withdrawn because the function, that is the binding of SYNIP to syntaxin-4, is now set forth in the claims.

#### **Maintenance of Rejections**

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 21-33 are again rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear in Claim 21 what is meant by "SYNIP". At page 2 of the specification, "SYNIP" is specifically defined as the acronym for syntaxin-4 interacting protein. Applicants may wish to amend independent Claim 21 to recite the definition of the acronym.

In each of Claims 21, 23, and 24, it is not clear what a polypeptide would look like if it had an amino acid "substantially similar" to SEQ ID NO: 2 or SEQ ID NO: 5.

In new Claims 27-32, it is not clear what the term "at least about" means. That is, is 70% at least about 90%? Applicants may wish to delete the word "about" in these claims.

In new Claims 27-32, the term "identical" is used. This term is an absolute term, that is, something is either identical to another thing or it is not. The more appropriate art-recognized term in this context is "identity". Applicants may wish to replace "identical" with --- identity ---.

In Claim 33, it is not clear what is meant that the SYNIP include or comprise a substantially purified recombinant polypeptide. Is it intended that the SYNIP be recombinantly produced, or that it be part of a fusion protein?

Applicants urge that the term SYNIP is not indefinite. Again, the acronym has not been defined and thus is indefinite regarding the function of the SYNIPs used in the assay.

Applicants urge that the phrase "substantially similar" is defined in the specification and includes deletions, substitutions, and additions that do not affect function. Again, how many? What will the resulting polypeptide look like? A polypeptide having at least 90% identity to SEQ ID NO: 2, for example, can be visualized; what does a polypeptide that is substantially similar, ie, having endless changes, look like?

The Claims would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office Action.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

Art Unit: 1653

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karen Cochrane Carlson, Ph.D. whose telephone number is 703-308-0034. Upon the move of the PTO to Alexandria, VA in January, 2003, the telephone number will be 571-272-0946. The examiner can normally be reached on 7:00 AM - 4:00 PM, off alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Christopher Low can be reached on 703-308-2329. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.

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KAREN COCHRANE CARLSON, PH.D  
PRIMARY EXAMINER

